

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	13 Cr. 345 (LGS)
	:	
<i>– against –</i>	:	NOTICE OF PRE-TRIAL
	:	MOTIONS FILED PURSUANT TO
ANTIONE CHAMBERS,	:	<u>RULE 12(b), FED.R.CRIM.P.</u>
	:	
Defendant.	:	
-----X	:	

PLEASE TAKE NOTICE, that upon the annexed declaration of Joshua L. Dratel, Esq., the Exhibits thereto, the accompanying Memorandum of Law, and all prior papers and proceedings herein, the defendant, ANTIONE CHAMBERS, defendant in the above-entitled case, will move before the Honorable LORNA G. SCHOFIELD, United States District Court Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, as soon as counsel may be heard, for an order:

- (a) suppressing the June 6, 2013, identifications of Mr. Chambers because the process by which the identification occurred was unduly suggestive, and therefore denied him Due Process as guaranteed by the Fifth Amendment;
- (b) suppressing historical cell site information for the telephone number 717-743-6130, because (a) the statute under which such information was obtained, 18 U.S.C. §2703(d) of the Stored Communications Act, is unconstitutional as applied to Mr. Chambers, and/or (b) the application for such information failed to satisfy the statutory standard of “specific and articulable facts” demonstrating that the scope of material sought was relevant and material to an ongoing investigation of Mr. Chambers;

- (c) dismissing Counts One and Three because the Indictment fails to allege facts sufficient to establish that the defendants obtained “personal property” from the purported victim, an essential element of the Hobbs Act, 18 U.S.C. §1951(a);
- (d) permitting Mr. Chambers join in those motions made by his co-defendants that inure to his benefit; and,
- (d) for any such other and further relief as to the Court seems just and proper.

Dated: 4 November 2013
New York, New York

Respectfully submitted,

/S/ Joshua L. Dratel
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Attorneys for Defendant Antione Chambers

To: THE HON. LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK